

Joint SUF Exhibit 12
PRC review sheets
for Ernest Porter AY7434

Joint SUF Exhibit 13

Expert Report of Dan Pacholke

EXPERT REPORT OF DAN PACHOLKE

ERNEST PORTER VS. JOHN WETZEL, et al.,
March 27, 2018

INTRODUCTION:

I have been retained as an expert in penology by Staff Attorney Jamelia N. Morgan and Legal Director Bret Grote of the Abolitionist Law Center. I was asked to review documents and determine whether the Pennsylvania Department of Corrections complied with generally accepted practices, principles and standards with regard to the continued review, placement, and management of Ernest Porter on death row since his death sentence was vacated in 2003.

METHODOLOGY

1. Reviewed legal documents related to Mr. Porter.
2. Reviewed documents relevant to Mr. Porter placement and management within the Pennsylvania Department of Corrections (PADOC).
3. Conducted a review of materials related to the management of and conditions of confinement for people housed on death row.

In preparing this report, I have also relied upon my more than thirty-five (35) years of experience and related training and education in the field of adult institutional corrections. This experience includes: Correctional Officer (2.5 years); Lieutenant (3 years); Captain (6 years); Superintendent (5 years); Director of Performance Management (4 years); eight years in administration (Deputy Director Prisons, Director Prisons, Deputy Secretary, and Secretary) in the Washington State Department of Corrections (WADOC). As a high-ranking administrator within a correctional agency, I was required to integrate new case law into the policies and practice of WADOC, amongst my other duties.

I have worked with 20 states and four jurisdictions outside of the continental United States as a consultant with the National Institute of Corrections and New York University and have published a number of articles related to the field. At New York University, I was co-director of Segregation Solutions, an initiative assisting correctional agencies to reduce or eliminate the use of segregation while also maintaining or improving safety in facilities. I co-authored a book and field guide on prison safety, Keeping Prisons Safe, and co-designed the WADOC CORE training program and the Correctional Officer Achievement Program. (See Attachment 1-3: CV)

BACKGROUND:

Ernest Porter is a 56-year-old man who is being housed in the Capital Case Unit (death row) within the Restricted Housing Unit at SCI GraterfordGreene, a maximum-security adult male PADOC correctional facility. Mr. Porter has been held in one of the state's CCUs, since 1986 following his sentence to death when he was 26. His death sentence was vacated in District Court in 2003, but despite this, PADOC continues to keep him housed on death row in solitary confinement. Recent case law directed the department to provide a meaningful review of placement for inmates sentenced to death who subsequently receive post-conviction relief.

PLACEMENT DECISION:

In reviewing the decisions of the PADOC, related to the placement and housing of Mr. Porter on death row, I considered the factors below.

1. On June 27, 1986, Mr. Porter was sentenced to death. He was 25 years old.
2. Subsequent to his sentence, he was immediately placed and later formally assigned to PADOC's Capital Case Unit (death row) where he remains to this day.
3. On June 26, 2003, Mr. Porter's petition for habeas corpus relief was granted by the District Court. His sentence was vacated and the court directed that he be resentenced within 180 days or his writ would issue and he would be sentenced to life in prison.
4. On February 9, 2017, the Third Circuit issued its opinion in *Williams v. Secretary Pennsylvania Department of Corrections*, 848 F.3d 549 (3d Cir. 2017), holding that due process limits the PADOC's ability to house inmates on death row without meaningful review of placement once they have been granted post-conviction relief.
5. On March 2, 2017, Mr. Porter filed a grievance requesting that he be moved to general population based on the ruling in *Williams*.
6. On March 20, 2017, PADOC issued an initial review response to Mr. Porter, denying his grievance and noting that Central Office was working on implementing the *Williams* decision but that there had been no changes to current policy.

7. On March 27, 2017, Mr. Porter filed an appeal to the initial review response to his grievance, stating that he believed that he should be held in general population until the policy was updated.
8. On April 17, 2017, Mr. Porter submitted a request to the Superintendent of SCI Greene, Robert Gilmore, notifying him that he had not yet received a response to his appeal despite the requirement that this response be issued within fifteen days.
9. On April 24, 2017, Mr. Porter sent a follow-up letter to Superintendent Gilmore noting again that he had not received a response to his March 27, 2017 appeal.
10. The letter was returned to Mr. Porter with a note on the bottom dated April 25, 2017 stating that his response would be forthcoming.
11. In the Facility Manager's Appeal Response dated April 24, 2017, the initial response to Mr. Porter's grievance was upheld. It reiterated the initial response that Central Office was aware of *Williams* and working on implementation but that because policy remained unchanged, Mr. Porter would remain in the Capital Case Unit.
12. On May 1, 2017, Mr. Porter submitted a final appeal of his grievance to Ms. Dorina Varner in the Secretary's Office of Inmate Grievances and Appeals, restating his claim that in light of *Williams*, he should no longer be housed on death row.

13. On June 2, 2017, Mr. Porter sends a follow-up letter to Ms. Varner stating that he had not received a response to his final appeal and that the thirty day deadline required in PADOC policy had expired.

14. In June of 2018, Mr. Porter will have served 32 years in solitary confinement. According to a PADOC record, he has not been cited for any rule violations.

In 2003, Mr. Porter death sentence was vacated. Despite Mr. Porter no longer being sentenced to death, PADOC has continued to house him on death row. Since then, his disciplinary record indicates that his behavior has been perfect, as it has since he was committed to PADOC custody in 1986.

On February 9, 2017, the Third Circuit issued its opinion in *Williams v. Secretary, PA Department of Corrections, et al.*, holding that inmates on death row who have been granted resentencing hearings have a constitutionally protected liberty interest, thereby requiring a meaningful review for continued placement in solitary confinement on death row while awaiting resentencing. Furthermore, the court stated that this “right to procedural due process protections is neither abstract nor symbolic, but both meaningful and required.” (*Williams*, 56). The court, citing *Shoats*, describes factors that it finds to constitute adequate procedural protections to include written notice of the reason for his placement and right to a hearing before the Program Review Committee (PRC), followed by a PRC review every thirty days that takes into account a personal interview with the inmate,

counselor and psychological reports, and other factors related to individual, staff, institutional and public safety. While offering no additional specific requirements, the court was clear that it expected, as it did in *Shoats*, that a review “is not an inconvenient ritual” but rather that “inmates have a right to *regular and meaningful review* of their continued placement on death row” [emphasis theirs] (*Williams*, 58).

Since the *Williams* decision, Mr. Porter has used PADOC’s offender grievance process to repeatedly request that he be transferred off death row to general population. At least twice he received a response indicating that a change to policy would be forthcoming in response to the *Williams* decision. Although Mr. Porter’s requested a transfer rather than a review of his placement, based on his exemplary disciplinary record, a meaningful review should result in a finding that he should be allowed to live in general population.

Despite having told Mr. Porter that policy would be updated to reflect the opinion in *Williams*, in a deposition taken in December 5, 2017, PADOC Regional Deputy Secretary Steven Glunt stated that any effort to transition an inmate from death row to general population would not occur until there was a final disposition in his case. This is clearly in violation of the requirement established in *Williams* that the PADOC perform a regular and meaningful review of the custody classification of inmates awaiting a final sentence following the vacating of their death sentence.

The factors described by the court in *Williams* as necessary for adequate procedural protections offers this basic framework: 1) written notice of reasoning for placement and opportunity for a hearing; 2) a review every thirty days by a PRC; that 3) includes an inmate interview and professional input. In my opinion, a meaningful review should also include planning and preparation for the inmate's transition to the general population.

Traditionally, jurisdictions across the country have utilized segregated death row housing (solitary confinement) for those sentenced to death. The historical penological justification for this type of placement was to reduce the inmate's ability to escape and to enhance staff and inmate safety. This was based on the assumption was that these inmates had nothing left to lose. Increasingly however, correctional systems are acknowledging the lack of certainty in these cases. Inmates such as Mr. Porter live for decades on death row while seeking post-conviction relief. Many eventually have their sentences vacated or die of natural causes. During this time, they have very few privileges. What they do have, such as limited calls with family, becomes critically important to these men. Any negative behavior results in the loss of these minimal privileges, or worse yet, weakens their likelihood of one day living among others in general population should their sentence change. They, in fact, have much to lose.

In the last several years, both the American Correctional Association (ACA) and the Association of State Correctional Administrators (ASCA) have published policy guidelines¹ and developed new standards² in an effort to reduce the use and mitigate the harm associated with the prolonged use of solitary confinement. These new briefs and standards apply to those in disciplinary segregation, administrative segregation and those on death row. Through these new standards, different housing strategies have been developed to reduce the use of solitary confinement. Housing people in long-term and/or indeterminate solitary confinement is no longer accepted as the only viable means or a best practice to manage behavior.

Some states, using an objective set of measures to assess an individual's behavior while on death row, have mainstreamed these inmates into general population or less restrictive means of confinement. Even in states such as Washington, where segregation is required by statute for all inmates sentenced to death (RCW 10.95.170), efforts have been made to increase privileges, like dayroom times with others or access to a kiosk for emailing and more frequent calls. I will discuss other states' strategies in further detail later in this report.

ACA standards, though not representing the most progressive or innovative national practices, do set a bar as the basic practices in which all correctional systems should be operating at the very least. They are also the most

¹ <https://www.asca.net/pdffdocs/9.pdf>

² The full 2016 standards are available online at www.aca.org. Select "Standards & Accreditation", then "Standards & Committees", and then select "Restrictive Housing Committee".

comprehensive and commonly cited guidelines for federal and state correctional systems in the United States. Included in the Restrictive Housing Performance Based Standards released in 2016 (see footnote 2), is guidance regarding the transition of inmates out of long-term solitary confinement. Below are the basic elements, with my commentary as to why these are important.

1. Access to congregate programs, increasing out-of-cell time and group interaction. Congregate activities assist in assessing the participant in several ways. For example, these activities help to determine a person's motivation to change and to safely interact with others. These activities are also necessary for assessing their behavior around others, e.g., do they interact appropriately with the instructors and engage in prosocial practices with their peers in the classroom? Without these opportunities, correctional professionals lack the information they need to adequately assess an inmate's current abilities and limitations in interacting with other people. Currently, Mr. Porter lacks access to the congregate programming or other interactive out-of-cell time that would allow him to further demonstrate his readiness to be placed in general population.

2. Increased education and program opportunities. These programs can help address underlying criminogenic needs, which are the factors that research has found most directly relate to an individual's likelihood to re-

offend. Of these, anti-social values, anti-social personality, criminal peers, dysfunctional family, low self-control, substance abuse, and a lack of a prosocial way to occupy one's time, such as work or school, are the criminogenic needs that if addressed, make the biggest impact on future criminal behavior. These programs provide participants with new skills in order for them to live more productively in general population or when released. Absent meaningful programs, the facility or system has abdicated its responsibility to rehabilitate. When Mr. Porter, after receiving post-conviction relief, should have the opportunity to participate in therapeutic or rehabilitative activities. There is no programming available to Mr. Porter on death row. As such, correctional authorities have failed to provide him with the opportunities that would allow him to further demonstrate his commitment to self-betterment and living a productive life in general population.

3. Structured and progressive levels that include increased privileges as an incentive for positive behavior and/or program participation. It is a widely accepted concept that providing incentives for positive behavior is more effective than only addressing negative behavior. It does not appear that the unit in which Mr. Porter is housed provides many incentives for positive behavior, but despite this, Mr. Porter has maintained a remarkably positive behavioral record. Here again, without the benefit of living in a unit that manages behavior through a system of

incentives and disincentives, Mr. Porter lacks the opportunity to earn additional privileges and demonstrate to the PRC his willingness and ability to self-manage his behavior.

4. Step-down or transition programs. A step-down program includes a system of review with established criteria to prepare an inmate, typically those who have been in segregation for an extended period of time or who cycle through frequently, for transition to the general population or to the community. Through a gradual lifting of restrictions and increased time with others, these inmates are better prepared to self-manage in general population. These programs typically involve a multidisciplinary review team that includes mental health, case management, and security practitioners. This team coordinates behavior response and sets transition goals as it assesses progress. These programs, usually located in specific housing units, are typically designed with the assumption that the transitioning inmates were in segregation due to a lack of ability to self-manage or cope in general population.

Unlike most transitioning inmates, Mr. Porter was placed in solitary confinement due to his death sentence. Assuming his behavior over the past 30 years on death row is an indicator of how he would have behaved had he been sentenced to life, even if he had started in close custody, he would have likely earned his way to medium custody by this point in his

sentence. Mr. Porter may find a transition program to be beneficial in that it offers a more gradual acclimation to general population, or he might be better off in a medium unit with a stable environment. Unfortunately, under PADOc's current policy, Mr. Porter is not eligible to leave death row and is not afforded the opportunity to examine these options with the PRC and his counselor.

Taking into account the factors above, I would advise PADOc, absent an assessment of his criminogenic needs and appropriate program offering, to employ appropriate strategies for his supportive release to general population. These strategies should include: 1) release to a facility with the approximate outer perimeter security; 2) placement in a medium security general population housing unit with lower level disciplinary issues rather than a higher custody unit with potentially more severe disciplinary issues; 3) assignment to half-time work, education, or self-help programs if ineligible for other programming; 4) enhanced interaction (weekly for the first month, gradually decreasing to monthly) with his assigned counselor for the first 180 days in general population; and 5) access to mental health care providers or group meetings as defined by his adjustment needs. In light of the *Williams* decision and Mr. Porter's excellent disciplinary record, I see nothing that indicates to me that he should continue to be housed in solitary confinement. It is unnecessary for security purposes, as placement in a facility with approximate outer perimeter security will address any escape concerns. It serves no rehabilitative purpose, as it lessens his ability to pursue

programming and meaningful activities. This placement appears to be punitive rather than serving any penological purpose at this time.

Restricted Housing: National Perspective

Across the country, a number of states and the federal government have initiated policies to reduce the use of solitary confinement building on the growing recognition that long-term isolation is dangerous, counterproductive, and costly. As referenced above, the Association of State Correctional Administrators (of which Secretary Wetzel is currently Vice-President) issued a briefing paper on Restrictive Status Housing Policy Guidelines on April 9, 2013. The American Correctional Association adopted new performance-based standards in August 2016. Both the ASCA Policy Brief and the new ACA standards speak to the overwhelming consensus that solitary confinement should be used sparingly and requires careful and frequent monitoring and review.

Several states have successfully mainstreamed death-sentenced inmates or eliminated automatic referrals to solitary confinement. Missouri classifies death-sentenced inmates according to the same criteria as all other inmates since 1991 with many death-sentenced inmates mainstreamed into general population. Between 1991 and 2002, Missouri's death-sentenced inmates in general population neither committed nor attempted any inmate-on-staff homicides. They had institutional violence rates similar to those of life-without-parole inmates and

below those of parole eligible inmates. Other states are also mainstreaming death-sentenced inmates. Delaware recently announced that it is disbanding death row and sending those inmates into other housing where they have much more out-of-cell time and may be housed with non-death row inmates. In California, a two-tiered approach has been in place for years, of which one tier more closely resembles a general population high security unit. Additionally, inmates on death row may participate in contact visiting unless they have disciplinary issues. Colorado has also reformed its practices and no longer automatically places death row inmates in solitary confinement. Virginia recently announced that it made substantial changes to the conditions on death row, including increased outdoor recreation; contact visits; and congregate group activities.

CONCLUSION

Mr. Porter is a 56-year-old man who has been in solitary confinement for 30 years (over half his life) and has somehow maintained a perfect disciplinary record over that period of time. His sentence was vacated in 2003. Also in 2017, the Third Circuit Court of Appeals held that former death row prisoners could not be maintained in solitary confinement without meaningful review once the capital sentence had been vacated. To date, Mr. Porter has not been released from solitary confinement nor has the agency engaged him in a meaningful review process (as defined by ACA Restricted Housing Performance Standards or the Policy Guidelines published by the Association of State

Correctional Administrators). Mr. Porter has pursued his release from death row (pursuant to the *Williams* decision) through the PADOE grievance process to no avail. It is reasonable to conclude that absent court intervention, Mr. Porter will remain in solitary confinement even though the underlying reason that he is there has been vacated. Based on the vacatur of his death sentence, his disciplinary record, and the reasons articulated in the discussion above, I see no reason for PADOE to continue to house Mr. Porter on death row.



Dan Pacholke

3/27/18

Date

Joint SUF Exhibit 14
Misconduct Report for
Ernest Porter AY7434



Pennsylvania Department of Corrections

mandreetti

Misconducts

6/21/2017 2:34:51 PM

Inmate Number: AY7434

Inmate Name: PORTER, Ernest

No Misconduct Information found for the selected inmate

Joint SUF Exhibit 15
Criminal Docket for Case
No. CP-09-CR-0001136-2008
Commonwealth vs. Alfonso Sanchez

COURT OF COMMON PLEAS OF BUCKS COUNTY**DOCKET**

Docket Number: CP-09-CR-0001136-2008

CRIMINAL DOCKET

Court Case

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CASE INFORMATIONCross Court Docket Nos: 605 CAP, 3368 EDA 2017Judge Assigned: Rubenstein, Alan M.Date Filed: 02/14/2008Initiation Date: 10/17/2007OTN: K 568019-4LOTN:Originating Docket No: MJ-07109-CR-0000376-2007Initial Issuing Authority: Daniel J. Finello Jr.Final Issuing Authority: Daniel J. Finello Jr.Arresting Agency: Warminster Township Police DeptArresting Officer: Harold, Sean P.Complaint/Incident #:Case Local Number Type(s)Case Local Number(s)**STATUS INFORMATION**

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>
Closed	10/13/2017	Awaiting Appellate Court Decision	10/17/2007
	06/05/2017	Awaiting Trial	
	01/26/2017	Awaiting Trial - Conviction Reversed	
	10/27/2014	Appeal Decided	
	12/29/2009	Awaiting Appellate Court Decision	
	10/22/2008	Sentenced/Penalty Imposed	
	10/10/2008	Awaiting Sentencing	
	10/10/2008	Awaiting PSI	
	09/30/2008	Awaiting Sentencing	
	03/28/2008	Awaiting Trial	
	03/07/2008	Awaiting Formal Arraignment	
	03/07/2008	Awaiting Pre-Trial Conference	
	02/25/2008	Awaiting Formal Arraignment	
	02/25/2008	Awaiting Trial	
	02/14/2008	Awaiting Formal Arraignment	
	02/14/2008	Awaiting Filing of Information	

COURT OF COMMON PLEAS OF BUCKS COUNTY**DOCKET**

Docket Number: CP-09-CR-0001136-2008

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CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	03/07/2008	12:00 pm	1st Floor, District Attorney's Booth		Scheduled
Formal Arraignment	03/07/2008	2:00 pm	Courtroom A-8	Judge Alan M. Rubenstein	Scheduled
Trial	03/31/2008	9:00 am	1st Floor, District Attorney's Booth		Continued
Trial	03/31/2008	9:00 am	Courtroom #2	Judge Alan M. Rubenstein	Continued
Trial	05/05/2008	9:00 am	1st Floor, District Attorney's Booth		Scheduled
Trial	05/05/2008	9:00 am	Courtroom #2	Judge Alan M. Rubenstein	Scheduled
Trial	09/08/2008	9:00 am	1st Floor, District Attorney's Booth		Scheduled
Trial	09/08/2008	9:00 am	Courtroom #2	Judge Alan M. Rubenstein	Scheduled
Sentencing	10/22/2008	2:00 pm	Courtroom #2	Judge Alan M. Rubenstein	Scheduled
Miscellaneous Criminal Hearings	06/21/2010	10:00 am	Courtroom A-9	Judge Alan M. Rubenstein	Scheduled
Miscellaneous Criminal Hearings	10/18/2013	9:30 am	Courtroom #3	Senior Judge Albert J. Cepparulo	Scheduled
Miscellaneous Criminal Hearings	04/19/2016	9:30 am	Courtroom 340	Judge Alan M. Rubenstein	Scheduled
Miscellaneous Criminal Hearings	07/13/2016	9:30 am	Courtroom 340	Judge Alan M. Rubenstein	Scheduled
Miscellaneous Criminal Hearings	09/29/2016	8:30 am	Courtroom 340	Judge Alan M. Rubenstein	Moved
Miscellaneous Criminal Hearings	09/29/2016	9:30 am	Courtroom 340	Judge Alan M. Rubenstein	Moved
Miscellaneous Criminal Hearings	11/01/2016	9:30 am	Courtroom 340	Judge Alan M. Rubenstein	Scheduled
Miscellaneous Criminal Hearings	11/01/2016	9:30 am	Courtroom 340	Judge Alan M. Rubenstein	Scheduled
Miscellaneous Criminal Hearings	01/26/2017	10:00 am	Courtroom 340	Judge Alan M. Rubenstein	Scheduled
Trial	10/10/2017	9:30 am		Judge Alan M. Rubenstein	Scheduled

CONFINEMENT INFORMATION

<u>Confinement</u>	<u>Confinement</u>	<u>Destination</u>	<u>Confinement</u>	<u>Still in</u>
<u>Known As Of</u>	<u>Type</u>	<u>Location</u>	<u>Reason</u>	<u>Custody</u>
04/25/2017	County Jail	Bucks County Prison		Yes

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DEFENDANT INFORMATION

Date Of Birth:

City/State/Zip:

Alias Name

Sanchez, Alfonso M.

Sanchez, Alfonso

Sanchez, Fonz

CASE PARTICIPANTS

Participant Type

Name

Defendant

Sanchez, Alfonso

CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1	F1	18 § 2501 §§A	Criminal Homicide	10/16/2007	K 568019-4
2	2	F1	18 § 2501 §§A	Criminal Homicide	10/16/2007	K 568019-4
3	3	F1	18 § 903 §§A1	Criminal Conspiracy Engaging - Criminal Homicide	10/16/2007	K 568019-4
4	5	F1	18 § 901 §§A	Criminal Attempt - Criminal Homicide	10/16/2007	K 568019-4
5	6	F1	18 § 3502 §§A	Burglary	10/16/2007	K 568019-4
6	7	F1	18 § 903 §§A1	Criminal Conspiracy Engaging - Burglary	10/16/2007	K 568019-4
7	8	F2	18 § 6105 §§A1	Possession Of Firearm Prohibited	10/15/2007	K 568019-4
8	9	F2	18 § 903 §§A1	Criminal Conspiracy Engaging - Possession Of Firearm Prohibited	10/16/2007	K 568019-4
9	10	F1	18 § 2702 §§A1	Aggravated Assault	10/16/2007	K 568019-4
10	11	F1	18 § 2702 §§A1	Aggravated Assault	10/16/2007	K 568019-4
11	12	F1	18 § 903 §§A1	Criminal Conspiracy Engaging - Aggravated Assault	10/16/2007	K 568019-4
12	13	F2	18 § 2702 §§A4	Aggravated Assault	10/16/2007	K 568019-4
13	14	F2	18 § 903 §§A1	Criminal Conspiracy Engaging - Aggravated Assault	10/16/2007	K 568019-4
14	15	M1	18 § 907 §§A	Poss Instrument Of Crime W/Int	10/16/2007	K 568019-4
15	18	M1	18 § 903 §§A1	Criminal Conspiracy Engaging - Poss Instrument Of Crime W/Int	10/16/2007	K 568019-4
16	19	M2	18 § 2705	Recklessly Endangering Another Person	10/16/2007	K 568019-4
17	23	M2	18 § 2705	Recklessly Endangering Another Person	10/16/2007	K 568019-4
18	24	M2	18 § 2705	Recklessly Endangering Another Person	10/16/2007	K 568019-4
19	20	F3	18 § 5126 §§A	Flight To Avoid Appreh/Trial/Punish	10/16/2007	K 568019-4
99999	4	F1	18 § 903 §§A1	Criminal Conspiracy Engaging - Criminal Homicide	10/16/2007	K 568019-4
99999	22	M2	18 § 903 §§A1	Criminal Conspiracy Engaging - Recklessly Endangering Another Person	10/16/2007	K 568019-4

CPCMS 9082

Printed: 06/27/2018

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CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
99999	17	M1	18 § 907 §§A	Poss Instrument Of Crime W/Int	10/16/2007	K 568019-4
99999	16	M1	18 § 907 §§A	Poss Instrument Of Crime W/Int	10/16/2007	K 568019-4

DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event	Disposition Date	Final Disposition
Sequence/Description	Offense Disposition	Grade Section
Sentencing Judge	Sentence Date	Credit For Time Served
Sentence/Diversion Program Type	Incarceration/Diversionary Period	Start Date
Sentence Conditions		

Lower Court Proceeding (generic)

Lower Court Disposition	02/08/2008	Not Final
1 / Criminal Homicide	Held for Court (Lower Court)	F1 18 § 2501 §§ A
2 / Criminal Homicide	Held for Court (Lower Court)	F1 18 § 2501 §§ A
3 / Criminal Conspiracy Engaging - Criminal Homicide	Held for Court (Lower Court)	F1 18 § 903 §§ A1
4 / Criminal Attempt - Criminal Homicide	Held for Court (Lower Court)	F1 18 § 901 §§ A
5 / Burglary	Held for Court (Lower Court)	F1 18 § 3502 §§ A
6 / Criminal Conspiracy Engaging - Burglary	Held for Court (Lower Court)	F1 18 § 903 §§ A1
7 / Possession Of Firearm Prohibited	Held for Court (Lower Court)	F2 18 § 6105 §§ A1
8 / Criminal Conspiracy Engaging - Possession Of Firearm Prohibited	Held for Court (Lower Court)	F2 18 § 903 §§ A1
9 / Aggravated Assault	Held for Court (Lower Court)	F1 18 § 2702 §§ A1
10 / Aggravated Assault	Held for Court (Lower Court)	F1 18 § 2702 §§ A1
11 / Criminal Conspiracy Engaging - Aggravated Assault	Held for Court (Lower Court)	F1 18 § 903 §§ A1
12 / Aggravated Assault	Held for Court (Lower Court)	F2 18 § 2702 §§ A4
13 / Criminal Conspiracy Engaging - Aggravated Assault	Held for Court (Lower Court)	F2 18 § 903 §§ A1
14 / Poss Instrument Of Crime W/Int	Held for Court (Lower Court)	M1 18 § 907 §§ A
15 / Criminal Conspiracy Engaging - Poss Instrument Of Crime W/Int	Held for Court (Lower Court)	M1 18 § 903 §§ A1
16 / Recklessly Endangering Another Person	Held for Court (Lower Court)	M2 18 § 2705
19 / Flight To Avoid Appreh/Trial/Punish	Held for Court (Lower Court)	F3 18 § 5126 §§ A
99,999 / Criminal Conspiracy Engaging - Criminal Homicide	Held for Court (Lower Court)	F1 18 § 903 §§ A1
99,999 / Criminal Conspiracy Engaging - Recklessly Endangering Another Person	Held for Court (Lower Court)	M2 18 § 903 §§ A1
99,999 / Poss Instrument Of Crime W/Int	Held for Court (Lower Court)	M1 18 § 907 §§ A

Proceed to Court

Information Filed	03/07/2008	Not Final
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CPCMS 9082

Printed: 06/27/2018

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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Final Disposition

Grade

Section

Credit For Time Served

Start Date

1 / Criminal Homicide	Held for Court	F1	18 § 2501 §§ A
2 / Criminal Homicide	Held for Court	F1	18 § 2501 §§ A
3 / Criminal Conspiracy Engaging - Criminal Homicide	Held for Court	F1	18 § 903 §§ A1
4 / Criminal Attempt - Criminal Homicide	Held for Court	F1	18 § 901 §§ A
5 / Burglary	Held for Court	F1	18 § 3502 §§ A
6 / Criminal Conspiracy Engaging - Burglary	Held for Court	F1	18 § 903 §§ A1
7 / Possession Of Firearm Prohibited	Held for Court	F2	18 § 6105 §§ A1
8 / Criminal Conspiracy Engaging - Possession Of Firearm Prohibited	Held for Court	F2	18 § 903 §§ A1
9 / Aggravated Assault	Held for Court	F1	18 § 2702 §§ A1
10 / Aggravated Assault	Held for Court	F1	18 § 2702 §§ A1
11 / Criminal Conspiracy Engaging - Aggravated Assault	Held for Court	F1	18 § 903 §§ A1
12 / Aggravated Assault	Held for Court	F2	18 § 2702 §§ A4
13 / Criminal Conspiracy Engaging - Aggravated Assault	Held for Court	F2	18 § 903 §§ A1
14 / Poss Instrument Of Crime W/Int	Held for Court	M1	18 § 907 §§ A
15 / Criminal Conspiracy Engaging - Poss Instrument Of Crime W/Int	Held for Court	M1	18 § 903 §§ A1
16 / Recklessly Endangering Another Person	Held for Court	M2	18 § 2705
17 / Recklessly Endangering Another Person	Added by Information	M2	18 § 2705
18 / Recklessly Endangering Another Person	Added by Information	M2	18 § 2705
19 / Flight To Avoid Appreh/Trial/Punish	Held for Court	F3	18 § 5126 §§ A
99,999 / Criminal Conspiracy Engaging - Criminal Homicide	Withdrawn	F1	18 § 903 §§ A1
99,999 / Criminal Conspiracy Engaging - Recklessly Endangering Another Person	Withdrawn	M2	18 § 903 §§ A1
99,999 / Poss Instrument Of Crime W/Int	Withdrawn	M1	18 § 907 §§ A

Guilty

Trial

09/30/2008

Not Final

1 / Criminal Homicide

Guilty

F1

18 § 2501 §§ A

Rubenstein, Alan M.

10/22/2008

363 Days

Confinement

Life

10/22/2008

Costs

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DISPOSITION SENTENCING/PENALTIESDispositionCase EventSequence/DescriptionSentencing JudgeSentence/Diversion Program TypeSentence Conditions

Defendant advised of Post-Sentence Rights

Consecutive with Ct.2.

Disposition DateOffense DispositionSentence DateIncarceration/Diversionary PeriodFinal DispositionGradeSectionCredit For Time ServedStart Date

2 / Criminal Homicide	Guilty	F1	18 § 2501 §§ A
Rubenstein, Alan M.	10/22/2008		
Death Penalty			
3 / Criminal Conspiracy Engaging - Criminal Homicide	Guilty	F1	18 § 903 §§ A1
Rubenstein, Alan M.	10/22/2008		
4 / Criminal Attempt - Criminal Homicide	Guilty	F1	18 § 901 §§ A
Rubenstein, Alan M.	10/22/2008		
5 / Burglary	Guilty	F1	18 § 3502 §§ A
Rubenstein, Alan M.	10/22/2008		
6 / Criminal Conspiracy Engaging - Burglary	Guilty	F1	18 § 903 §§ A1
Rubenstein, Alan M.	10/22/2008		
7 / Possession Of Firearm Prohibited	Proceed to Court	F2	18 § 6105 §§ A1
Rubenstein, Alan M.	10/22/2008		
8 / Criminal Conspiracy Engaging - Possession Of Firearm Prohibited	Proceed to Court	F2	18 § 903 §§ A1
Rubenstein, Alan M.	10/22/2008		
9 / Aggravated Assault	Not Guilty	F1	18 § 2702 §§ A1
Rubenstein, Alan M.	10/22/2008		
10 / Aggravated Assault	Guilty	F1	18 § 2702 §§ A1
Rubenstein, Alan M.	10/22/2008		
11 / Criminal Conspiracy Engaging - Aggravated Assault	Guilty	F1	18 § 903 §§ A1
Rubenstein, Alan M.	10/22/2008		
12 / Aggravated Assault	Guilty	F2	18 § 2702 §§ A4
Rubenstein, Alan M.	10/22/2008		
13 / Criminal Conspiracy Engaging - Aggravated Assault	Guilty	F2	18 § 903 §§ A1
Rubenstein, Alan M.	10/22/2008		
14 / Poss Instrument Of Crime W/Int	Guilty	M1	18 § 907 §§ A

CPCMS 9082

Printed: 06/27/2018

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DISPOSITION SENTENCING/PENALTIESDispositionCase EventDisposition DateFinal DispositionSequence/DescriptionOffense DispositionGradeSectionSentencing JudgeSentence DateCredit For Time ServedSentence/Diversion Program TypeIncarceration/Diversionary PeriodStart DateSentence Conditions

Rubenstein, Alan M.

10/22/2008

15 / Criminal Conspiracy Engaging - Poss Instrument
Of Crime W/Int

Guilty

M1

18 § 903 §§ A1

Rubenstein, Alan M.

10/22/2008

16 / Recklessly Endangering Another Person

Guilty

M2

18 § 2705

Rubenstein, Alan M.

10/22/2008

17 / Recklessly Endangering Another Person

Guilty

M2

18 § 2705

Rubenstein, Alan M.

10/22/2008

18 / Recklessly Endangering Another Person

Guilty

M2

18 § 2705

Rubenstein, Alan M.

10/22/2008

19 / Flight To Avoid Appreh/Trial/Punish

Guilty

F3

18 § 5126 §§ A

Rubenstein, Alan M.

10/22/2008

99,999 / Criminal Conspiracy Engaging - Criminal
Homicide

Withdrawn

F1

18 § 903 §§ A1

Rubenstein, Alan M.

10/22/2008

99,999 / Criminal Conspiracy Engaging - Recklessly
Endangering Another Person

Withdrawn

M2

18 § 903 §§ A1

Rubenstein, Alan M.

10/22/2008

99,999 / Poss Instrument Of Crime W/Int

Withdrawn

M1

18 § 907 §§ A

Rubenstein, Alan M.

10/22/2008

Proceed to Court (Conviction Reversed)

Miscellaneous Criminal Hearings

01/26/2017

Not Final

1 / Criminal Homicide

Proceed to Court (Conviction
Reversed)

F1

18 § 2501 §§ A

2 / Criminal Homicide

Proceed to Court (Conviction
Reversed)

F1

18 § 2501 §§ A

3 / Criminal Conspiracy Engaging - Criminal Homicide

Proceed to Court (Conviction
Reversed)

F1

18 § 903 §§ A1

4 / Criminal Attempt - Criminal Homicide

Proceed to Court (Conviction
Reversed)

F1

18 § 901 §§ A

5 / Burglary

Proceed to Court (Conviction
Reversed)

F1

18 § 3502 §§ A

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Disposition

Case Event	Disposition Date	Final Disposition	
Sequence/Description	Offense Disposition	Grade	Section
Sentencing Judge	Sentence Date	Credit For Time Served	
Sentence/Diversion Program Type	Incarceration/Diversionary Period	Start Date	
Sentence Conditions			
6 / Criminal Conspiracy Engaging - Burglary	Proceed to Court (Conviction Reversed)	F1	18 § 903 §§ A1
7 / Possession Of Firearm Prohibited	Proceed to Court (Conviction Reversed)	F2	18 § 6105 §§ A1
8 / Criminal Conspiracy Engaging - Possession Of Firearm Prohibited	Proceed to Court (Conviction Reversed)	F2	18 § 903 §§ A1
9 / Aggravated Assault	Proceed to Court (Conviction Reversed)	F1	18 § 2702 §§ A1
10 / Aggravated Assault	Proceed to Court (Conviction Reversed)	F1	18 § 2702 §§ A1
11 / Criminal Conspiracy Engaging - Aggravated Assault	Proceed to Court (Conviction Reversed)	F1	18 § 903 §§ A1
12 / Aggravated Assault	Proceed to Court (Conviction Reversed)	F2	18 § 2702 §§ A4
13 / Criminal Conspiracy Engaging - Aggravated Assault	Proceed to Court (Conviction Reversed)	F2	18 § 903 §§ A1
14 / Poss Instrument Of Crime W/Int	Proceed to Court (Conviction Reversed)	M1	18 § 907 §§ A
15 / Criminal Conspiracy Engaging - Poss Instrument Of Crime W/Int	Proceed to Court (Conviction Reversed)	M1	18 § 903 §§ A1
16 / Recklessly Endangering Another Person	Proceed to Court (Conviction Reversed)	M2	18 § 2705
17 / Recklessly Endangering Another Person	Proceed to Court (Conviction Reversed)	M2	18 § 2705
18 / Recklessly Endangering Another Person	Proceed to Court (Conviction Reversed)	M2	18 § 2705
19 / Flight To Avoid Appreh/Trial/Punish	Proceed to Court (Conviction Reversed)	F3	18 § 5126 §§ A
99,999 / Criminal Conspiracy Engaging - Criminal Homicide	Withdrawn	F1	18 § 903 §§ A1
99,999 / Criminal Conspiracy Engaging - Recklessly Endangering Another Person	Withdrawn	M2	18 § 903 §§ A1
99,999 / Poss Instrument Of Crime W/Int	Withdrawn	M1	18 § 907 §§ A

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COMMONWEALTH INFORMATION

Name: Thomas Gary Gambardella
District Attorney

Supreme Court No: 051187

Phone Number(s):
215-348-6343 (Phone)

Address:
Bucks County District Attorney's Office
55 E Court Street
Doylestown, PA 18901

ATTORNEY INFORMATION

Name: Francis John Genovese
Court Appointed - Private

Supreme Court No: 082308

Rep. Status: Active

Phone Number(s):
610-584-4416 (Phone)

Address:
Mullaney & Mullaney
PO Box 1368
Skippack, PA 19474-1368
Representing: Sanchez, Alfonso

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	02/14/2008		Court of Common Pleas - Bucks County
Original Papers Received from Lower Court			
1	02/15/2008		Court of Common Pleas - Bucks County
Forwarded to ct admin for assignment to Judge			
1	02/26/2008		Sanchez, Alfonso
Notice Returned as Undeliverable			
1	03/05/2008		Rubenstein, Alan M.
Order Scheduling Hearing			
Order dated 3/3/08. A hearing is set for 3/7/08 in courtroom A8 at 2pm.			
Gambardella, Thomas Gary			
03/05/2008			
McMahon, John J. Jr.			
03/05/2008			
1	03/07/2008		Rubenstein, Alan M.
Arraigned			
vontinuanee denied, Motion to Remand-Dismissed			
2	03/07/2008		Commonwealth of Pennsylvania
Information Filed			

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1	03/10/2008		Court of Common Pleas - Bucks County
Notice of Trial Returned as Undeliverable Defendant's Copy.			
2	03/10/2008		Court of Common Pleas - Bucks County
Notice of Formal Arraignment Returned Defendant's Copy			
1	04/08/2008		Sanchez, Alfonso
Notice Returned as Undeliverable			
1	04/18/2008		Bucks County District Attorney's Office
Commonwealth's Requested Questions for Voir Dire			
1	05/13/2008		Court of Common Pleas - Bucks County
Trans filed for March 7, 08 original & 1 copy filed by Denise Fedele-VanWhy (10 pages) Mandamus signed on 5/20/08.			
1	07/02/2008		Bucks County Court Reporter
Trans filed for May 22, 08 original only filed by Denise Fedele-VanWhy (62 pages) Mandamus signed on 7/15/08.			
1	09/05/2008		Court of Common Pleas - Bucks County
Trans filed for May 5, 08 original only (40 pages)			
1	09/30/2008		Rubenstein, Alan M.
Guilty sentence deferred : death penalty phase of trial. as to counts 1&2 guilty of murder of the first degree counts 7&8 did not go to jury, separated from case motion for demurrer denied cts 9-26 motion in limine granted			
2	09/30/2008		Rubenstein, Alan M.
Disposition Filed			

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3	09/30/2008		Bucks County Court Reporter
Exhibits Filed			
1	10/02/2008		Rubenstein, Alan M.
Hearing Held			
penalty hearing; sentence deferred courts direction. sentence : Mendez Thomas - Life			
Lisa Diaz - Death			
1	10/22/2008		Rubenstein, Alan M.
Order - Sentence/Penalty Imposed			
1	10/23/2008		Court of Common Pleas - Bucks County
Penalty Assessed			
2	10/23/2008		Rubenstein, Alan M.
Court Commitment State or County Correctional Institution			
1	12/03/2008		Bucks County Court Reporter
Trans filed for Sept 8, 08 9 copies only 1 copy to defendant 1 copy to pa parole board			
Mandamus signed on 12/3/8 copy to defendant at SCI Camp Hill Inmate # HU2193			
1	02/09/2009		Court of Common Pleas - Bucks County
Trans filed for Sept 15, 08 original & 7 copies filed by Contstance D'Argenio (234 pages)			
copy to pa parole board, copy to governors office copy to defendant at SCI Houtzdale Inmate # Hu2461			
1	03/31/2009		Sanchez, Alfonso
Case Correspondence			
Deft requested information & transcripts			
1	06/04/2009		Bucks County Court Reporter
Trans filed for Sept 16,17,22. 29th and 30 (935 pages) copy of each to pa parole board.			
Mandamus signed on 6/4/9.			
1	06/05/2009		Bucks County Court Reporter
Trans filed for Sept 10, 08 1 original & 13 copies (297 pages) filed by Denise Fedele-Van Why			
copy to pa parole board for each defendant			

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2	06/05/2009		Bucks County Court Reporter
Trans filed for Sept 11, 08 original & 2 copies (354 pages) copy for each deft to pa parole bd			
3	06/05/2009		Court of Common Pleas - Bucks County
Copy of trans for Sept 11, 08 sent to defendant			
4	06/05/2009		Bucks County Court Reporter
Trans filed for Sept 23, 08 original and 12 copies filed by Denise Fedele-VanWhy (254 pages) copy to pa parole board copy to def at state facility			
5	06/05/2009		Bucks County Court Reporter
Trans filed for Sept 25, 08 original & 13 copies filed by Deneise Van Why (212 pages) copy to pa parole board copy to defendant at state facility			
6	06/05/2009		Bucks County Court Reporter
Trans filed for Sept 9, 08 original & 9 copies filed by Denise Fedele-Van Why (290 pages) copies to pa parole board copy to defendant at state facility			
7	06/05/2009		Bucks County Court Reporter
Trans filed for Oct 2, 08 original & 10 copies filed by Denise Fedele-Van Why (124 pages) copy to pa parole board. copy to defendant at State facility.			
8	06/05/2009		Bucks County Court Reporter
Trans filed for Sept 24, 08 original & 11 copies filed by Denise Fedele-VanWhy (192 pages) copy to pa parole board copy to def at SCI facility			
9	06/05/2009		Bucks County Court Reporter
Trans filed for Sept 26, 08 original & 13 copies filed by Denise Fedele-Van Why (255 pages) copy to pa parole board copy to def at state facility			
1	08/10/2009		Sanchez, Alfonso
Case Correspondence sent docket entry			

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ENTRIES

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1	11/24/2009	11/23/2009	Marino, Helen A.
Post-Conviction Collateral Relief Act Motion Petition for Habeas Corpus and for Collateral Relief from Crml Conviction pursuant to the PCRA Act requesting an Order allowing a Notice of Appeal to be filed Nunc Pro Tunc. FWD to Court			
1	12/03/2009		Michael Wiseman
Entry of Appearance			
1	12/08/2009		Rubenstein, Alan M.
Appeal Rights from the Conviction and Death Sentence on 10/22/08 Are Reinstated Deft.may file a notice of appeal, nunc pro tunc, w/in 30 days of the date of order Commonwealth of Pennsylvania 12/08/2009 Marino, Helen A. 12/08/2009			
1	12/29/2009		Marino, Helen A.
Notice of Appeal to the Supreme Court from the sentence on 10/22/08 Bucks County Court Reporter 12/29/2009 Gambardella, Thomas Gary 12/29/2009 Rubenstein, Alan M. 12/29/2009			
2	12/29/2009		Marino, Helen A.
Motion to Proceed In Forma Pauperis and For Appointment of Counsel fwd.for consideration			
1	01/08/2010		Rubenstein, Alan M.
Concise Statement Order Commonwealth of Pennsylvania 01/08/2010 Marino, Helen A. 01/08/2010			

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1	01/25/2010		Supreme Court of Pennsylvania - Eastern District
Docketing Statement from Supreme Court 605 CAP			
1	01/27/2010		Marino, Helen A.
Motion for Withdraw as Counsel for stay of the court's 1/8/10 order directing a concise statment of matters and renewed motion for the appt. of counsel fwd.for consideration Commonwealth of Pennsylvania 01/27/2010			
1	03/04/2010		Bucks County Court Reporter
Trans filed for Oct 22, 08 original & 8 copies filed by Constance D'Argenio (19 pages)			
1	03/17/2010		Rubenstein, Alan M.
Opinion Commonwealth of Pennsylvania 03/17/2010 Marino, Helen A. 03/17/2010 Supreme Court of Pennsylvania - Middle District 03/17/2010			
1	03/24/2010		Smithson, Mary K.
Service of the List of Record Documents Filed Commonwealth of Pennsylvania 03/24/2010 Marino, Helen A. 03/24/2010			
2	03/24/2010		Smithson, Mary K.
Complete Record Sent to Appellate Court			

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1	04/01/2010		Superior Court of Pennsylvania - Eastern District
Supreme Court Order			
The trial court is ordered to rule on counsel's motion to withdraw, motion requesting IFP status and appt.of new counsel			
1	04/27/2010		Supreme Court of Pennsylvania - Eastern District
Certificate of Remittal/Remand of Record			
1	05/04/2010		Rubenstein, Alan M.
Order Granting Motion to Proceed In Forma Pauperis			
Bucks County Court Administration			
05/04/2010			
Commonwealth of Pennsylvania			
05/04/2010			
Marino, Helen A.			
05/04/2010			
2	05/04/2010		Rubenstein, Alan M.
Order Scheduling Hearing on Motion for Withdraw as Counsel and Appointment of New Counsel			
Hrg.scheduled for 6/21/10			
Bucks County Court Administration			
05/04/2010			
Commonwealth of Pennsylvania			
05/04/2010			
Marino, Helen A.			
05/04/2010			
1	05/26/2010		McMahon, John J. Jr.
Entry of Appearance			
1	06/04/2010		Boylan, Rea B.
Order Granting Motion for Writ of Habeas Corpus - Ad Prosequendum			
And Now, June 3, 2010, It Is Ordered And Decreed That A Writ Of Habeas Corpus Ad Prosequendum Be Issued To The Warden At SCI Greene Requiring Him To Produce The Body Of Alfonso Sanchez On Monday, 06/21/2010 At 9:30AM For A Hearing At Bucks County Courthouse, Doylestown, PA And There To Remain Until The Conclusion Of The Hearing And After His Appearance Before The Court To Be Returned To SCI Greene.			

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1	06/21/2010		Rubenstein, Alan M.
Hearing Held			
Appointment of new counsel - Pennsylvania Capital Representation Project is appointed. Courts opinion to stand. 90 days for counsel to review transcripts and file appeal. Copy of transcript to be provided			
1	06/22/2010		McMahon, John J. Jr.
Petition to Concise Statement of the Matters Complained on Appeal			
fwd.			
2	06/22/2010		McMahon, John J. Jr.
Concise Statement of the Matters Complained on Appeal			
1	06/24/2010		McMahon, John J. Jr.
Case Correspondence			
Letter dtd 3/6/08 addressed to COC enclosing copies of 1925(b) statement and petition to File Nunc Pro Tunc.			
1	07/12/2010		Bucks County Court Reporter
Trans filed for June 21, 10 original only filed by Denise Fedele-VanWhy (14 pages)			
2 copies filed on 7/12/10			
1	07/13/2010		Smithson, Mary K.
Defendant's copy of transcripts sent to CSI Graterford			
1	09/17/2010		Marino, Helen A.
Motion for Extension of Time to File Statement of Errors Complained of on Appeal			
fwd.			
1	09/30/2010		Rubenstein, Alan M.
Order Granting Motion for Extension			
The date for appellant to file a statement of errors is extendd to 1/15/11			
Commonwealth of Pennsylvania			
09/30/2010			
Marino, Helen A.			
09/30/2010			
1	10/28/2010		Sanchez, Alfonso
Case Correspondence			
Deft requested Docket Entries. Sent 10/28/10.			

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1	11/29/2010		Sanchez, Alfonso
Case Correspondence The info for the Court Reporters			
1	01/14/2011		Nolas, Billy H.
Entry of Appearance Bucks County District Attorney's Office 01/14/2011			
2	01/14/2011		Marino, Helen A.
Appellants Unopposed Motion for Extension of Time to file statement of errors complained of on appeal fwd Bucks County District Attorney's Office 01/14/2011 Rubenstein, Alan M. 01/14/2011			
3	01/14/2011		Marino, Helen A.
Application for Approval of Statement in Absence of Transcript Pursuant and/or to Correct the record Pursuant to Pa.R.A.P. 1923 and/or 1926 fwd			
1	01/25/2011		Rubenstein, Alan M.
Concise Statement Order and now this 25th day of January 2011 it is hereby ordered that the date for appellant to file a statement of errors complained of on appeal is extended to 2/14/2011. No further esxtensions of time will be granted Bucks County District Attorney's Office 01/25/2011 Marino, Helen A. 01/25/2011			
1	02/14/2011		Marino, Helen A.
Concise Statement of Errors Complained on Appeal Bucks County District Attorney's Office 02/14/2011 Rubenstein, Alan M. 02/14/2011			

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<u>Service To</u>			
<u>Service By</u>			
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
1	04/26/2011	04/26/2011	Rubenstein, Alan M.
Supplemental Opinion dated 4/26/2011			
Bucks County District Attorney's Office 04/26/2011			
Marino, Helen A. 04/26/2011			
Nolas, Billy H. 04/26/2011			
Supreme Court of Pennsylvania - Eastern District 04/26/2011			

1	05/02/2011		Smithson, Mary K.
Service of the List of Record Documents Filed			
Bucks County District Attorney's Office 05/02/2011			
Marino, Helen A. 05/02/2011			
Nolas, Billy H. 05/02/2011			
Rubenstein, Alan M. 05/02/2011			

2	05/02/2011		Smithson, Mary K.
Complete Record Sent to Appellate Court to Supreme court			

1	06/02/2011		Nolas, Billy H.
Motion for a Ruling on Appellant's Application for approval of statement in absence of transcript and/or to correct the record pursuant to P.A.R.A.P. 1923 and/or 1926 fwd return to file 6/17/11			

1	11/15/2011		Smithson, Mary K.
Additional Material Sent to Appellate Court verdict sheet dated 9/30/2008			

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<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Bucks County District Attorney's Office			
11/15/2011			
Marino, Helen A.			
11/15/2011			
Nolas, Billy H.			
11/15/2011			
Rubenstein, Alan M.			
11/15/2011			

1	12/23/2011		Smithson, Mary K.
Additional Material Sent to Appellate Court			
Motion for ruling on appellant's application for approval of statement in absence of transcript and or to correct the record pursuant to PA. R.A.P. 1923 and/or 1926			
Bucks County District Attorney's Office			
12/23/2011			
Marino, Helen A.			
12/23/2011			
Nolas, Billy H.			
12/23/2011			
Rubenstein, Alan M.			
12/23/2011			

2	12/23/2011		Marino, Helen A.
Motion to Correct the Record Pursuant to Pa.R.APP.P. 1926			
fwd			

1	01/06/2012		Bucks County District Attorney's Office
Brief for Appellee Filed in Supreme Court			
Copy in file			

2	01/06/2012		Bucks County District Attorney's Office
Petition for Allowance of Over-Pagination of Appellee's Brief Filed in Supreme Court			
Copy in file			

COURT OF COMMON PLEAS OF BUCKS COUNTY

DOCKET



Docket Number: CP-09-CR-0001136-2008

CRIMINAL DOCKET

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
1	01/31/2012	01/27/2012	Rubenstein, Alan M.

Order Granting Motion to Correct the Record Pursuant to PA. R. App. P. 1926

Upon consideration of Appellant's Motion to Correct the Record and the response, if any, it is hereby ordered that the Motion is GRANTED; it is further ordered that the Clerk of Courts shall promptly forward the Motion to Correct the Record and the attached exhibits and all add'l verdict sheets from 9/30/08 to the PA Supreme Court and that the exhibits to the Motion to Correct the Record and verdict sheets are certified as true and correct copies of part of the record on appeal in this case.

Bucks County District Attorney's Office

01/27/2012

Marino, Helen A.

01/27/2012

1	02/09/2012	Smithson, Mary K.
Record Corrected and Returned to Supreme Court per order dated 01/31/12		

Bucks County District Attorney's Office

02/09/2012

Hand Delivered

Marino, Helen A.

02/09/2012

Mailed

Rubenstein, Alan M.

02/09/2012

Interoffice

Supreme Court of Pennsylvania -

Eastern District

02/09/2012

1	07/24/2013	Sanchez, Alfonso
Motion for Return of Property Forward to court		

1	09/20/2013	Cepparulo, Albert J.
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Order Scheduling Hearing

A Video Conference is set for 18th day of October 2013 at 9:30 am in CR No. 3 of Bucks County Courthouse.

Commonwealth of Pennsylvania

09/23/2013

Sanchez, Alfonso

09/23/2013

COURT OF COMMON PLEAS OF BUCKS COUNTY

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ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	10/01/2013		Bateman, Wallace H. Jr.
Order Granting Motion for Writ of Habeas Corpus - Ad Prosequendum			
A Writ is issued to the Warden at SCI Greene requiring him to produce Deft on October 18, 2013 at 9 am and remain until conclusion of Hearing and after his appearance be returned.			
1	10/18/2013		Cepparulo, Albert J.
Hearing Held			
\$373 will go towards court costs; \$266.66 returned to claimant.			
1	02/06/2014	01/14/2014	Bucks County District Attorney's Office
Answer in Opposition to Petition for Reargument/Reconsideration			
Answer is Opposition to Petition for Reargument/Reconsideration. Answer in opposition to petition for reargument/reconsideration from the Orer of the Pennsylvania Supreme Court, Entered December 17, 2013.			
Bucks County District Attorney's Office			
02/06/2014			
Rubenstein, Alan M.			
02/06/2014			
Superior Court of Pennsylvania -			
Eastern District			
02/06/2014			
1	03/05/2014		Sanchez, Alfonso
Case Correspondence			
Letter written to Judge Rubenstein from defendant regarding video conference.			
1	09/11/2014		Sanchez, Alfonso
Case Correspondence			
sent deft copy of sentence sheet from 10/22/08			
1	10/22/2014		Supreme Court of Pennsylvania - Eastern District
Case Correspondence			
Letter came to hand, placed in file.			
1	10/27/2014		Supreme Court of Pennsylvania - Eastern District
Certificate of Remittal/Remand of Record			

COURT OF COMMON PLEAS OF BUCKS COUNTY

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Sequence Number	CP Filed Date	Document Date	Filed By
2	10/27/2014	12/17/2013	Supreme Court of Pennsylvania - Eastern District
Supreme Court Decision Judgment of Sentence is AFFIRMED. There is a concurring Opinion from Mr. Justice Saylor There is a concurring Opinion from Mr. Justice Castille			
3	10/27/2014	12/17/2013	Supreme Court of Pennsylvania - Eastern District
Supreme Court Concurring Opinion Mr. Justice Saylor: concurring Opinion			
4	10/27/2014	12/17/2013	Supreme Court of Pennsylvania - Eastern District
Supreme Court Concurring Opinion Concurring Opinion: Mr. Chief Justice Castille			
1	01/08/2015		Cepparulo, Albert J.
Order Granting Motion for Return of Property			
1	01/22/2015		Nolas, Billy H.
Emergency Motion for Stay of Execution Forward to court			
1	01/23/2015		Bucks County District Attorney's Office
Answer Filed			
1	01/30/2015		Sanchez, Alfonso
Post-Conviction Relief Act Petition Filed Bucks County District Attorney's Office 01/30/2015 Hand Delivered Sanchez, Alfonso 01/30/2015 First Class Lev, Stuart Brian 12/22/2015			
1	02/03/2015	02/03/2015	Rubenstein, Alan M.
Order Granting Emergency Motion for a Stay of Execution AND NOW, this 3rd day of February, 2015, the EMERGENCY MOTION FOR A STAY OF EXECUTION is GRANTED. Alfonso Sanchez, through counsel, has filed a Motion for Post-Conviction Collateral Relief on January 30, 2015.			

COURT OF COMMON PLEAS OF BUCKS COUNTY

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Service To

Service By

Issue Date

Service Type

Status Date

Service Status

Bucks County District Attorney's Office

02/04/2015

Nolas, Billy H.

02/04/2015

1	09/03/2015		Sanchez, Alfonso
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Motion to Preclude Counsel of Record from Submitting Unauthorized Legal Filings Pursuant to Rule 902

PA Rule 576 letter sent to defendant. Copy to DA and PD.

1	11/12/2015		Bucks County District Attorney
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Motion for Court to Appoint Counsel and Establish Scheduling Order

Forward to court

1	11/23/2015		Stewart, Loren Dougherty
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Entry of Appearance

1	12/08/2015	12/07/2015	Rubenstein, Alan M.
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Order Appointing Counsel/Order Directing Answer be Filed/Order Scheduling Hearing

This Court has received a Notice of Entry of Appearance from Stuart B. Lev, Esquire, Federal Community Defender Office for the Eastern District of Pennsylvania, and an accompanying "Petitioner's Statement Regarding Counsel for PCRA Pleadings" signed by Alfonso Sanchez requesting representation. Therefore, the appointment of Stuart B. Lev, Esquire is hereby GRANTED.

AND NOW, this 7th day of December, 2015, the Federal Community Defender Office shall have ninety (90) days from the date of this Order to file an Amended Petition for Post-Conviction Relief in supplement to the Pro Se Motion for Post-Conviction Collateral Relief filed by Alfonso Sanchez on January 30, 2015.

The Commonwealth shall have thirty (30) days to file an answer to the Amended Petition.

A hearing upon this Post-Conviction Relief Act Petition is scheduled for TUESDAY, APRIL 19, 2016 at 10:00 a.m. in COURTROOM NO 340. BUCKS COUNTY JUSTICE CENTER, 100 N. MAIN ST., DOYLESTOWN, PA 18901.

THE SHERIFF OF BUCKS COUNTY IS DIRECTED TO TRANSPORT ALFONSO SANCHEZ TO THE BUCKS COUNTY JUSTICE CENTER FOR THIS HEARING.

IN COMPLIANCE WITH THE COOPERATION AGREEMENT RELATING TO CONFLICTS OF COUNSEL IN THE FIVE-COUNTY SOUTHEASTERN AREA, INCLUDING THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, THE COURT ADMINISTRATOR FOR BUCKS COUNTY IS DIRECTED TO NOTIFY THESE COURTS OF YOUR ATTACHMENT IN BUCKS COUNTY FOR THE SPECIAL LISTINGS.

Bucks County Court Administration

COURT OF COMMON PLEAS OF BUCKS COUNTY

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<u>Service To</u>	<u>Service By</u>
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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
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12/08/2015

Bucks County District Attorney's Office

12/08/2015

Bucks County Sheriff

12/08/2015

Lev, Stuart Brian

12/08/2015

1	01/27/2016		Lev, Stuart Brian
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Motion to Modify Scheduling Order

Fwd for consideration

1	02/17/2016	02/12/2016	Rubenstein, Alan M.
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Order Denying Motion to Modify the Briefing Schedule

AND NOW, this 12th day of February, 2016, upon consideration of the Motion to Modify the Briefing Schedule filed by the Petitioner Alfonso Sanchez, and the response to this Motion filed by the Commonwealth (via letter of February 1, 2016 attached), the Motion to Modify the Briefing Schedule is DENIED.

As noted in this Court's prior Order of December 7, 2015, the Federal Community Defender Office shall file an Amended Petition for Post-Conviction Relief by Monday, March 7, 2016.

Bucks County District Attorney's Office

02/18/2016

Bucks County Sheriff

02/18/2016

Lev, Stuart Brian

02/18/2016

1	03/07/2016		Lev, Stuart Brian
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Post-Conviction Relief Act Petition Filed

Bucks County Court Administration

03/07/2016

Bucks County District Attorney's Office

03/07/2016

2	03/07/2016		Lev, Stuart Brian
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Appendix to Petition for PCRA - Volume I

Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 Pa.C.S. 9541 et seq. - Volume I

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3	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume II			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume II			
4	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume III			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume III			
5	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume IV			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume IV			
6	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume V			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume V			
7	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume VI			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume VI			
8	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume VII			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume VII			
9	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume VIII			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume VIII			
10	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume IX			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume IX			

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11	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume X			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume X			
12	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume XI			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume XI			
13	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume XII			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume XII			
14	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume XIII			
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 PA.C.S. 9541 et seq. - Volume XIII			
15	03/07/2016		Lev, Stuart Brian
Appendix to Petition for PCRA - Volume XIV			
1	03/09/2016		Finley, Jeffrey L.
Order Granting Motion for Writ of Habeas Corpus - Ad Prosequendum			
Order dated 3/9/2016 to be issued to the Warden at SCI Greene requiring him to produce the body of Alfonso Sanchez on 4/19/2016 at 930 a.m.			
1	03/21/2016		Bucks County District Attorney's Office
Discovery Filed			
1	03/31/2016		Commonwealth of Pennsylvania
Discovery Filed			
1	04/06/2016		Bucks County District Attorney's Office
Commonwealth's Answer is Opposition to Petition for Post-Conviction Relief			

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1	04/19/2016		Lev, Stuart Brian
Motion for Leave to Amend and Supplement Petition for Writ of Habeas Corpus fwd to court Returned to file			
2	04/19/2016		Rubenstein, Alan M.
PCRA Hearing Held PCRA Petition for Discovery Denied. The following were Granted: Copies of 4 discs of crime scene photos, Policy for protocol of stun device, visitor logs from BCCF/Berks.			
1	05/13/2016		Rubenstein, Alan M.
Order Scheduling Hearing AND NOW, this 11th day of May, 2016, hearing upon the PCRA upon agreement of counsel, is scheduled for Wed. 7/13/2016, at 10:00 a.m. in Crtroom #340, Bucks County Justice Center, 100 N. Main Street, Doylestown, PA. The Sheriff is directed to Transport Alfonso Sanchez to the Bucks County Justice Center for this Hearing. In Compliance with the cooperation agreement relating to conflicts of counsel in the five-county Southeastern Area, including the US District Court for the Eastern District of PA, the Court Administrator for Bucks County is Directed to Notify these courts of your attachment in Bucks County for this special listing. Copy of Order fwded to Steven B. Lev, Esquire Bucks County Court Administration 05/13/2016 Bucks County Sheriff 05/13/2016 Commonwealth of Pennsylvania 05/13/2016 Lev, Stuart Brian 05/13/2016			
1	05/19/2016		Bucks County District Attorney's Office
Discovery Filed			
1	06/03/2016		Finley, Jeffrey L.
Order Granting Motion for Writ of Habeas Corpus - Ad Prosequendum Order dated 6/3/2016 to be issued to the Warden at SCI Greene requiring him to produce the body of Alfonso Sanchez on 7/13/2016 at 10:00 a.m.			

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1	06/06/2016		Lev, Stuart Brian
Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief - Volume XV Appendix to Petition for Writ of Habeas Corpus and for Collateral Relief from Criminal Conviction Pursuant to the Post Conviction Relief Act, 42 Pa.C.S. 9541 Et Seq. Volume XV			
1	06/20/2016		Bucks County Court Reporter
Trans filed for April 19, 2016 original only filed by Tecla Sola (145 pages) Mandamus signed on 8/8/2016			
1	07/13/2016		Rubenstein, Alan M.
Order Granting Continuance of Hearing PCRA Hearing to be continue to date agreed upon by Counsel.			
2	07/13/2016		Court of Common Pleas - Bucks County
Exhibits Filed D4- large binded booklets (not scanned)			
1	07/15/2016		Rubenstein, Alan M.
Order Scheduling Hearing AND NOW, this 14th day of July 2016, hearings upon this PCRA petition are scheduled for Thursday, September 29 and Friday, September 30, 2016 at 10 am in Courtroom 340. Bucks County District Attorney 07/18/2016 Lev, Stuart Brian 07/18/2016			
1	07/29/2016		Lev, Stuart Brian
Motion to Reschedule Evidentiary Hearing dates FWD to Court			
2	08/01/2016		Rubenstein, Alan M.
Order Scheduling Hearing Order dtd 7/29/16 the hearing upo this PCRA Petition previously scheduled for Thursday, September 29, 2016 and Friday September 3, 2016 are continued at the request of petitioner's counsel and without opposition by the Commonwealth. These hearings are re-scheduled for Tuesday, November 1 and Wednesday, November 2, 2016 in Courtroom 340.			

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<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
1	09/27/2016		Bucks County Court Reporter
Trans filed for July 13, 2016 original & 1 copy filed by Denise Fedely-VanWy (221 pages)			
Sanchez, Alfonso			
09/27/2016			

1	10/18/2016		Finley, Jeffrey L.
Order Granting Motion for Writ of Habeas Corpus - Ad Prosequendum			
MISC hearing scheduled 11/1/2016 at 9:30 am			

1	10/26/2016		Bucks County District Attorney's Office
Discovery Filed			

1	10/31/2016		Bucks County District Attorney's Office
Discovery Filed			

1	11/01/2016		Bucks County District Attorney's Office
Additional Discovery Filed			

1	11/02/2016		Rubenstein, Alan M.
Order Granting Continuance of Hearing			
Csaee to be continued to a date agreed upon by Counsel.			

2	11/02/2016		Court of Common Pleas - Bucks County
Exhibits Filed			

1	11/28/2016	11/22/2016	Rubenstein, Alan M.
Order Scheduling Hearing			
And Now, this 22nd day of November, 2016, Hearings up this Post-Conviction Act Petition, are scheduled for Thrusday, January 26, 2017 and Friday, January 27, 2017 at 10:00am in courtroom 340, Bucks County Justice Center, 100 N. Main Street, Doylestown, PA.			
The Sheriff of Bucks County is directed to Transcport the defendant to the Bucks County Justice Center for this hearing.			
Bucks County Court Administration			
11/29/2016	E-Mail		
Bucks County District Attorney's Office			
11/29/2016	E-Mail		

COURT OF COMMON PLEAS OF BUCKS COUNTY

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<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Bucks County Sheriff			
11/29/2016	E-Mail		
Lev, Stuart Brian			
11/29/2016	First Class		
1	12/08/2016		Bucks County Court Reporter
Trans filed for November 2, 2016 original only filed by Mary F Saile (154 pages)			
1	01/05/2017		Finley, Jeffrey L.
Order Granting Motion for Writ of Habeas Corpus - Ad Prosequendum			
MISC hearing 1/26/2017 at 10 am			
Bucks County District Attorney			
01/05/2017			
Bucks County District Attorney's Office			
01/05/2017			
1	01/27/2017	01/26/2017	Rubenstein, Alan M.
Order Granting Post-Conviction Relief Act Petition			
And Now, this 26th day of January, 2017, by agreement of the parties, it is hereby ordered that Petitioner is GRANTED relief pursuant to the Post Conviction Relief Act, 42 Pa. C.S. 9541, et seq. The previous judgement of sentence, imposed on October 22, 2008, is vacated and a new trial is Ordered.			
Bucks County District Attorney			
01/27/2017			
Finley, Jeffrey L.			
01/27/2017			
Lev, Stuart Brian			
01/27/2017			
1	02/06/2017		Bucks County Court Reporter
Trans filed for January 26, 2017 original only filed by Tecla Sola (13 pages)			
1	02/21/2017		Sanchez, Alfonso
Pro Se Motion Filed			
"Motion for Double Jeopardy Pursuant to 18 Pa.C.S.109(q) and Consolidated Memorandum" filed pro se.			
Sent defendant 576(a4) letter.			
Placed in file.			
Sent Copies to Stuart Lev, Federal Community Defenders Office and to the Bucks County District Attorneys Office.			

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1	02/27/2017		Bucks County District Attorney's Office
Motion for Hearing to Appoint Counsel and/or Schedule Trial Date fwd for consideration.			
1	03/02/2017		Lev, Stuart Brian
Defendant's Response to Commonwealth's Motion for Hearing to Appoint Counsel Fwd to court			
1	04/03/2017		Rubenstein, Alan M.
Case Correspondence Letter written from Judge Rubenstien to DA and Lev, Esq, enclosing copy of pro se "Motion for Double Jeopardy" filed by defendant. Bucks County District Attorney 03/31/2017 Lev, Stuart Brian 03/31/2017			
1	04/10/2017		Sanchez, Alfonso
Motion to Vacate Appointment Filed by Atty Abaza			
2	04/10/2017		Bateman, Wallace H. Jr.
Order Granting Motion for Appointment of Counsel Jonas and Abaza are court appointed.			
1	04/25/2017		Bateman, Wallace H. Jr.
Order Granting Motion for Change of Counsel Sharif Abaza is hereby vacated and Francis Genovese is appointed as counsel for defendant. The appointment of Charles Jonas is unaffected by this order.			
1	05/05/2017		Bucks County District Attorney
Motion for Status Hearing fwd to court			
2	05/05/2017		Genovese, Francis John
Entry of Appearance			

COURT OF COMMON PLEAS OF BUCKS COUNTY**DOCKET****Docket Number: CP-09-CR-0001136-2008****CRIMINAL DOCKET****Court Case**

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Sequence Number	CP Filed Date	Document Date	Filed By
1	05/09/2017		Genovese, Francis John
Request for Bill of Particulars			
2	05/09/2017		Genovese, Francis John
Request for Pre-Trial Discovery			
1	05/10/2017		Genovese, Francis John
Certification of Defense Counsel in Capital Case			
1	05/11/2017		Jonas, Charles D.
Certification of Defense Counsel in Capital Case			
1	05/18/2017		Bucks County District Attorney's Office
Discoverable materials (cover letter only)			

1	06/06/2017	06/06/2017	Rubenstein, Alan M.
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Order Filed

And Now, this 6th day of June, 2017, counsel for the defendant shall provide a written Certification specifying their "Qualifications for Defense Counsel in Capital Cases" in accordance with PA Rule of Criminal Procedure 801.

Included with this Certification shall be documentary confirmation that counsel for the defendant have completed a "minimum of 18 hours of training relevant to representation in capital cases, as provided by the Pennsylvania Continuing Legal Education Board."

It is also Ordered that counsel for the defendant shall file a written Waiver of the Defendant's Right to a Speedy Trial.

The Original of the Certifications and the written Waiver of the Defendant's Rights to a Speedy Trial shall be filed with the Clerk of Courts, Criminal Division, and copies shall be sent to the Attorneys for the Commonwealth and this Court.

2	06/06/2017	06/06/2017	Rubenstein, Alan M.
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Order Scheduling Trial

And Now, this 6th day of June, 2017, the Trial in this matter is scheduled for: TUESDAY, OCTOBER 10, 2017 at the Bucks County Justice Center (Courtroom to be determined), 100 North Main Street, Doylestown, PA 18901.

The Sheriff of Bucks County is directed to transport the defendant to the Bucks County Justice Center for Trial.

In compliance with the cooperation agreement relating to conflicts of counsel in the Five-County Southeastern Area, including the United States District Court for the Eastern District of Pennsylvania, the Court Administrator for Bucks County is directed to notify these courts of your attachment in Bucks County for these Special listings.

Bucks County Court Administration

06/08/2017 E-Mail

Bucks County District Attorney's Office

06/08/2017 E-Mail

COURT OF COMMON PLEAS OF BUCKS COUNTY

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Service To	Service By		
Issue Date	Service Type	Status Date	Service Status
Bucks County Sheriff	E-Mail		
06/08/2017			
3	06/06/2017		Jonas, Charles D.
Motion For Sealed Order			
walked through for signature			
1	06/08/2017		Court of Common Pleas - Bucks County
Notice Returned as Undeliverable			
Trial 10/10/17 Notice - Defendants copy			
2	06/08/2017		Jonas, Charles D.
Sealed Entry			
1	06/13/2017	06/12/2017	Rubenstein, Alan M.
Sealed Entry			
1	06/14/2017		Bateman, Wallace H. Jr.
Sealed Entry			
1	06/26/2017		Jonas, Charles D.
Rule 600 Waiver			
1	09/05/2017		Genovese, Francis John
Motion for Continuance			
fwd to court			
2	09/05/2017		Bucks County District Attorney
Motion for Return of Exhibits			
fwd to court			
1	09/06/2017		Jonas, Charles D.
Letter from Attorney Regarding Motion for Continuance/Certificate of Service			
Fwd to court with copy of Motion			

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Sequence Number	CP Filed Date	Document Date	Filed By
1	09/07/2017		Bucks County District Attorney's Office
Notice of Intent to Call Expert Witness			
2	09/07/2017		Bucks County District Attorney's Office
Discoverable materials (cover letter only)			
1	09/13/2017	09/12/2017	Rubenstein, Alan M.
Order Denying Motion for Continuance			
And Now, this 12th day of September, 2017, the defendant's request for a continuance is DENIED.			
On June 6, 2017, this Court entered a written Order scheduling trial for Tuesday, October 10, 2017 and continuing thereafter for a three week period. This date was pre-approved by all counsel after a meeting with the Court.			
Furthermore, this case was scheduled in compliance with the Cooperation Agreement relating to conflicts of counsel in the five-county Southeastern region, including the United States District Court for the Eastern District of Pennsylvania.			
2	09/13/2017	09/12/2017	Rubenstein, Alan M.
Order Directing Release of Exhibits			
And Now, this 12th day of September, 2017, the Bucks County Clerk of Courts is directed to release the following exhibits from the 2008 trial in the above-captioned case to the custody and control of the Warminster Police Department to be maintained by that Department as evidence in the instant matter:			
C-10, C-35, C-36, C-37, C-38 to C-44, C-45, C-49, C-50, C-60, C-56, C-58, C-59, C-62, C-70 to C-72, C-73 to C-81, C-86, C-87, C-88, C-89, C-90, C-91, C-92, C-93, C-94, C-95, DS-4			
1	09/21/2017		Jonas, Charles D.
Motion for Continuance			
Walked through			
1	09/22/2017		Finley, Jeffrey L.
Order Granting Motion for Writ of Habeas Corpus - Ad Testificandum			
1	09/25/2017		Bucks County District Attorney's Office
Motion in Limine			
fwd to court			
1	09/26/2017		Bucks County District Attorney's Office
Commonwealth's Requested Points for Charge			
2	09/26/2017		Bucks County District Attorney's Office
Answer in Response to Defendant's Subsequent Motion for Continuance and Hearing			

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1	09/28/2017	09/27/2017	Rubenstein, Alan M.
Order Denying Defendant's Subsequent Motion for Continuance and Hearing			
And Now, this 27th day of September, 2017, the "Defendant's Subsequent Motion for Continuance and Hearing" is DENIED.			
The trial in this mater will proceed as scheduled on October 10, 2017.			
2	09/28/2017		Jonas, Charles D.
Motion Seeking Authorization to Hire a Mitigation Expert Under Seal			
Walked through			
1	09/29/2017		Bateman, Wallace H. Jr.
Sealed Entry			
Bucks County District Attorney			
09/29/2017			
Jonas, Charles D.			
09/29/2017			
1	10/02/2017		Bucks County District Attorney's Office
Notice of Intent to Call Expert Witness			
Genovese, Francis John			
10/03/2017			
Rubenstein, Alan M.			
10/03/2017			
2	10/02/2017		Bucks County District Attorney's Office
Discoverable materials (cover letter only)			
1	10/03/2017		Bucks County District Attorney's Office
Notice of Intent to Call Expert Witness			
1	10/04/2017		Jonas, Charles D.
Defendant's Second Subsequent Motion for Continuance and Hearing			
Walked through for signature			
2	10/04/2017		Jonas, Charles D.
Sealed Entry			
1	10/05/2017		Bucks County District Attorney's Office
Commonwealth's Proposed Voir Dire Questions			

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2	10/05/2017		Bucks County District Attorney's Office
Commonwealth's Supplemental Motions in Limine			
1	10/11/2017		Bucks County District Attorney's Office
Answer in Opposition to Defendant's Motion to Dismiss on Double Jeopardy Grounds			
2	10/11/2017		Rubenstein, Alan M.
Pre-Trial Hearing Held			
Defendant remanded to the custody of the Sheriff			
Double Jeopardy Motion - DENIED			
Awaiting for Appeal to be filed			
Proceeding held in Abeyance.			
3	10/11/2017		Court of Common Pleas - Bucks County
Exhibits Filed			
1	10/13/2017		Genovese, Francis John
Notice of Appeal to the Superior Court			
From order entered 10/11/17.			
Superior Court of Pennsylvania - Eastern District			
10/16/2017	First Class		
2	10/13/2017		Genovese, Francis John
Order for Transcripts			
3	10/13/2017		Gambardella, Thomas Gary
Verification of Continuing Status In Forma Pauperis			
1	10/17/2017		Court of Common Pleas - Bucks County
Exhibits Filed			
Voor Dire Seating Report 10/10/17			
1	10/20/2017	10/20/2017	Bateman, Wallace H. Jr.
Sealed Entry			
Bucks County Controller's Office			
10/20/2017			

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ENTRIES

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<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Jonas, Charles D. 10/20/2017			
1	10/23/2017		Superior Court of Pennsylvania - Eastern District
Docketing Statement from Superior Court 3368 EDA 2017			
1	10/26/2017		Jonas, Charles D.
Sealed Entry			
1	11/03/2017		Jonas, Charles D.
Concise Statement of the Matters Complained on Appeal			
1	11/08/2017	11/08/2017	Bateman, Wallace H. Jr.
Sealed Entry Jonas, Charles D. 11/08/2017			
1	11/22/2017		Jonas, Charles D.
Sealed Entry			
1	11/29/2017	11/28/2017	Bateman, Wallace H. Jr.
Sealed Entry Jonas, Charles D. 11/29/2017			
1	12/20/2017	12/20/2017	Rubenstein, Alan M.
Opinion Bucks County Court Administration 12/20/2017 Bucks County District Attorney 12/20/2017 Genovese, Francis John 12/20/2017 Jonas, Charles D. 12/20/2017			

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<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Superior Court of Pennsylvania - Eastern District 12/20/2017			
Supreme Court of Pennsylvania - Middle District 12/20/2017			

2	12/20/2017		Court of Common Pleas - Bucks County
Service of the List of Record Documents Filed 4 Boxes Sent to Superior Court.			
Bucks County District Attorney			
12/20/2017	E-Mail		
Genovese, Francis John			
12/20/2017	First Class		
Jonas, Charles D.			
12/20/2017	First Class		
Rubenstein, Alan M.			
12/20/2017	Interoffice		
Superior Court of Pennsylvania - Eastern District 12/20/2017			
	First Class		
Superior Court of Pennsylvania - Eastern District 12/20/2017			
	First Class		
Superior Court of Pennsylvania - Eastern District 12/20/2017			
	First Class		
Superior Court of Pennsylvania - Eastern District 12/20/2017			
	First Class		

3	12/20/2017		Court of Common Pleas - Bucks County
Certificate and Transmittal of Record to Appellate Court			

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4	12/20/2017		Court of Common Pleas - Bucks County
Complete Record Sent to Appellate Court			
1	12/21/2017		Court of Common Pleas - Bucks County
Supplemental Record Sent to Appellate Court			
* Exhibits			
o Court-1			
o D-1, D-2, D-3, D-4, D-5			
Bucks County District Attorney			
12/21/2017 E-Mail			
Gambardella, Thomas Gary			
12/21/2017 First Class			
Jonas, Charles D.			
12/21/2017 First Class			
Rubenstein, Alan M.			
12/21/2017 Interoffice			
Superior Court of Pennsylvania - Eastern District			
12/21/2017 First Class			
1	01/04/2018		Sanchez, Alfonso
Case Correspondence			
To file.			
1	01/11/2018		Bucks County Court Reporter
Trans filed for october 10, 2017 original & 2 copies filed by Denise Fedele-VanWhy (102 pages)			
Mandamus signed 1/12/2018			
Pa Board Of Probation & Parole			
01/11/2018			
Sanchez, Alfonso			
01/11/2018			
2	01/11/2018		Bucks County Court Reporter
Trans filed for October 11, 2017 original & 2 copies filed by Denise Fedele-VanWhy (234 pages)			
Mandamus signed 1/12/2018			
Pa Board Of Probation & Parole			
01/11/2018			
Sanchez, Alfonso			

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<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
01/11/2018			
1	01/25/2018		Court of Common Pleas - Bucks County
Supplemental Record Sent to Appellate Court			
Bucks County District Attorney			
01/25/2018	E-Mail		
Genovese, Francis John			
01/25/2018	First Class		
Jonas, Charles D.			
01/25/2018	First Class		
Rubenstein, Alan M.			
01/25/2018	Interoffice		
Superior Court of Pennsylvania -			
Eastern District			
01/25/2018	First Class		

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PAYMENT PLAN SUMMARY

<u>Payment Plan No</u>	<u>Payment Plan Freq.</u>	<u>Next Due Date</u>	<u>Active</u>	<u>Overdue Amt</u>
<u>Responsible Participant</u>			<u>Suspended</u>	<u>Next Due Amt</u>
09-2008-P000016164	Single Payment	10/22/2038	Yes	\$0.00
Sanchez, Alfonso			No	\$622.20

<u>Payment Plan History:</u>	<u>Receipt Date</u>	<u>Payor Name</u>	<u>Participant Role</u>	<u>Amount</u>
	01/07/2009	Payment		\$23.34
	01/09/2009	Payment		\$58.35
	06/15/2009	Payment		\$10.00
	06/19/2009	Payment		\$20.00
	07/20/2009	Payment		\$11.50
	07/21/2009	Payment		\$23.00
	11/17/2009	Payment		\$15.16
	11/18/2009	Payment		\$60.00
	12/15/2009	Payment		\$0.29
	01/21/2010	Payment		\$3.02
	02/16/2010	Payment		\$2.59
	03/09/2010	Payment		\$16.17
	04/15/2010	Payment		\$5.74
	05/06/2010	Payment		\$2.74
	06/15/2010	Payment		\$19.31
	07/12/2010	Payment		\$23.17
	08/13/2010	Payment		\$2.88
	11/09/2010	Payment		\$47.17
	12/14/2010	Payment		\$7.02
	01/06/2011	Payment		\$46.88
	02/16/2011	Payment		\$6.74
	05/25/2011	Payment		\$61.02
	06/27/2011	Payment		\$45.37
	01/15/2015	Payment	Bucks County District Attorne Payor	\$373.00

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CASE FINANCIAL INFORMATION

Last Payment Date: 01/15/2015

Total of Last Payment: -\$373.00

Sanchez, Alfonso	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u>	<u>Total</u>
Defendant				<u>Payments</u>	
Costs/Fees					
Bucks Co. Witness Fee (Bucks)	\$11.44	-\$11.44	\$0.00	\$0.00	\$0.00
Bucks Co. Witness Fee (Bucks)	\$3.34	-\$3.34	\$0.00	\$0.00	\$0.00
Bucks Co. Witness Fee (Bucks)	\$6.68	-\$6.68	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$11.75	-\$9.19	\$0.00	\$0.00	\$2.56
Commonwealth Cost - HB627 (Act 167 of 1992)	\$17.60	-\$13.77	\$0.00	\$0.00	\$3.83
County Court Cost (Act 204 of 1976)	\$25.65	-\$20.06	\$0.00	\$0.00	\$5.59
Crime Victims Compensation (Act 96 of 1984)	\$35.00	-\$35.00	\$0.00	\$0.00	\$0.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	-\$7.82	\$0.00	\$0.00	\$2.18
Victim Witness Service (Act 111 of 1998)	\$25.00	-\$25.00	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	-\$3.91	\$0.00	\$0.00	\$1.09
Judicial Computer Project	\$8.00	-\$8.00	\$0.00	\$0.00	\$0.00
ATJ	\$2.00	-\$2.00	\$0.00	\$0.00	\$0.00
DNA Detection Fund (Act 185-2004)	\$250.00	-\$195.48	\$0.00	\$0.00	\$54.52
Law Library (Bucks)	\$10.00	-\$10.00	\$0.00	\$0.00	\$0.00
Sheriff Fee (Bucks)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Automation Fee (Bucks)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Admin Fee (Bucks)	\$27.00	-\$27.00	\$0.00	\$0.00	\$0.00
Information Service Fee (Bucks)	\$3.00	-\$3.00	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	-\$39.07	\$0.00	\$0.00	\$10.93
Transportation Fee (Bucks)	\$211.44	-\$211.44	\$0.00	\$0.00	\$0.00
Transportation Fee (Bucks)	\$127.14	-\$127.14	\$0.00	\$0.00	\$0.00
Transportation Fee (Bucks)	\$34.82	-\$34.82	\$0.00	\$0.00	\$0.00
Transportation Fee (Bucks)	\$60.37	-\$60.37	\$0.00	\$0.00	\$0.00
Transportation Fee (Bucks)	\$19.93	-\$19.93	\$0.00	\$0.00	\$0.00
Transportation Fee (Bucks)	\$78.29	\$0.00	\$0.00	\$0.00	\$78.29
Transportation Fee (Bucks)	\$40.76	\$0.00	\$0.00	\$0.00	\$40.76
Transportation Fee (Bucks)	\$81.58	\$0.00	\$0.00	\$0.00	\$81.58
Transportation Fee (Bucks)	\$63.98	\$0.00	\$0.00	\$0.00	\$63.98
Transportation Fee (Bucks)	\$130.92	\$0.00	\$0.00	\$0.00	\$130.92
Transportation Fee (Bucks)	\$42.56	\$0.00	\$0.00	\$0.00	\$42.56
Transportation Fee (Bucks)	\$92.77	\$0.00	\$0.00	\$0.00	\$92.77

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CASE FINANCIAL INFORMATION

Sanchez, Alfonso Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u> <u>Payments</u>	<u>Total</u>
Bucks Co. Witness Fee (Bucks)	\$10.64	\$0.00	\$0.00	\$0.00	\$10.64
Costs/Fees Totals:	\$1,506.66	-\$884.46	\$0.00	\$0.00	\$622.20
Grand Totals:	\$1,506.66	-\$884.46	\$0.00	\$0.00	\$622.20

** - Indicates assessment is subrogated